

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JANE BARNES, :
Plaintiff, :
- against - : 07 CV 6103 (SHS)
LIFE INSURANCE COMPANY OF NORTH AMERICA, : AFFIDAVIT OF
Defendant. : RICHARD LODI

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COMMONWEALTH OF PENNSYLVANIA)
) ss:
COUNTY OF ALLEGHENY)

I, RICHARD LODI, being duly sworn, depose and state as follows:

1. I am employed by Life Insurance Company of North America (“LINA”) as a Senior Operations Representative. I make this affidavit in support of LINA’s motion to transfer venue in the above-captioned action.
2. As part of my job responsibilities, I am familiar with plaintiff Jane Barnes’ claim for long term disability benefits under the long term disability policy issued by LINA to plaintiff’s employer, LK-7321, with an effective date of July 1, 1990, to fund the employer’s benefit plan (“Plan”). LINA administers benefits claims under the Plan. I am also familiar with LINA’s claim file pertaining to Barnes’ claim (the “Claim File”), which has been routinely kept by LINA in the ordinary course of its business.
3. LINA is a Pennsylvania company with its principal place of business in Philadelphia, Pennsylvania.
4. LINA administered Barnes’ long term disability claim in its claim office in Pittsburgh, Pennsylvania.

5. LINA paid long term disability benefits to Barnes in California from June 11, 1998 to August 10, 2006.
6. During its review of Barnes' claim, LINA consulted with independent physicians, neither of whom is located in New York. Dr. Justus Pickett, who completed an IME of plaintiff in May 2006, is located in Napa, California. Dr. Robert Waltrip, who completed an independent medical file review of plaintiff's claim in August 2006, is located in Pittsburgh, Pennsylvania.
7. As part of its review of plaintiff's claim, LINA completed a transferable skills analysis in May 2006, including a labor market survey of occupations in the San Francisco, California labor market.
8. Attached hereto as Exhibit A is a true and correct copy of a Disability Questionnaire dated October 20, 2005 which was submitted by Barnes to LINA in support of her claim for long term disability benefits under the Plan. This document is contained in LINA's claim file. The form shows that plaintiff's address is in Concord, California. The form also shows that plaintiff's treating medical providers were located in California.
9. In particular, Plaintiff's primary treating physicians, Mannie Joel, M.D., is located in San Leandro, California. Attached hereto as Exhibit B is an Attending Physician Statement of Disability completed by Dr. Joel on November 3, 2005, which is located in LINA's claim file.

s/Richard Lodi
Richard Lodi

Sworn to and Subscribed before me this
7th day of September, 2007

Notary Public

CERTIFICATE OF SERVICE

I hereby certify that on September 7, 2007, a copy of the foregoing Affidavit was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

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